

Court of Appeals, State of Michigan

ORDER

People of MI v Brian Conaway Jr

Docket No. 288989

LC No. 2008-221124-FH

Deborah A. Servitto
Presiding Judge

Mark J. Cavanagh

Kathleen Jansen
Judges

In lieu of granting the application for leave to appeal, the Court orders pursuant to MCR 7.205(D)(2) that the October 30, 2008 order granting defendant's motion to quash the information is REVERSED and the matter is REMANDED for further proceedings not inconsistent with this order. The district court did not abuse its discretion in binding defendant over on the charge of first-degree child abuse as there existed probable cause to believe that defendant intended to shake the child and that he knew that serious physical harm would result from his actions. *People v Cervi*, 270 Mich App 603, 616; 717 NW2d 356 (2006); *People v Maynor*, 470 Mich 289, 291; 683 NW2d 565 (2004).

The application for leave to appeal is otherwise DENIED for failure to persuade the Court of the need for immediate appellate review.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 08 2009

Date

Sandra Schultz Mengel
Chief Clerk